

UNITES STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE NEW YORK DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK
CITY DISTRICT COUNCIL OF CARPENTERS
WELFARE FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS VACATION
FUND, NEW YORK CITY DISTRICT COUNCIL
OF CARPENTERS ANNUITY FUND, NEW
YORK CITY DISTRICT COUNCIL OF
CARPENTERS APPRENTICESHIP,
JOURNEYMAN RETRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS
CHARITY FUND, by their Trustees Michael J.
Forde and Paul O'Brien, and NEW YORK CITY
AND VICINITY CARPENTERS LABOR-
MANAGEMENT CORPORATION,

07-CV-08008 (RJS)

Plaintiffs,

-against-

KW CONSTRUCTION INC., as Successor to K W
GENERAL CONTRACTOR, INC. and JOHN
WHYTE d/b/a KW CONSTRUCTION, INC., and
JOHN WHYTE, individually,

~ Defendants.

-----X

SCOTT DANIELSON, declares as follows under penalty of perjury

pursuant to 28 U.S.C. 1746:

1. I am employed by the District Council of New York City and
Vicinity of the United Brotherhood of Carpenters and Joiners of America

("District Council") as the supervisor of the Out of Work List office, and I serve as a staff investigator on the District Council's Anti-Corruption Committee.

2. Annexed as Exhibit "12" is a true and correct copy of an affidavit of Bienvenido Rivera ("Rivera Affidavit") sworn to in my presence on May 22, 2007.

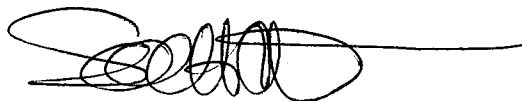
3. I am the custodian of the original affidavit from which the annexed copy was made, and said affidavit is maintained by my office in the ordinary course of business of the Anti-Corruption Committee.

4. The Rivera Affidavit was obtained in the course of an investigation I conducted in my capacity as a staff investigator for the District Council's Anti-Corruption Committee.

5. Bienvenido Rivera read and signed the annexed affidavit in my presence, and I notarized his signature.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 14, 2008

A handwritten signature in black ink, appearing to read "Scott Danielson", written over a horizontal line.

SCOTT DANIELSON

BIENVENIDO RIVERA
520 ISHAM ST, APT 43B
NEW YORK, NY 10034

Pendaflex
Esselle



NYCDC INVESTIGATIVE INTERVIEW
395 HUDSON STREET NEW YORK, NY 10014
ANTI-CORRUPTION DIVISION

COMPANY NAME KW CODE# WALKIN

CASE # _____ RT# _____ INTERVIEW SUMMONS# _____

MEMBER NAME BIENVENIDO RIVERA LOCAL 608

UBC II _____

ADDR1 BIENVENIDO RIVERA
520 ISHAM ST, APT 43B
NEW YORK, NY 10034

HOME PHONE# 212-569-5136 INT DATE _____
CELL PHONE# NONE

DATE OF INTERVIEW 5-22-07 COMPANY CELL _____

INTERVIEWER DANIELSON INTERVIEWER B. O'NEILL

INTERVIEWER KANE INTERVIEWER _____

JOB SITE LOCATION _____

WHAT TYPE OF JOB ☐ PRIVATE ☐ PREVAILING WAGE

NAME OF AGENCY _____

NAME OF GENERAL CONTRACTOR _____

IS MEMBER A SHOP STEWARD? ☒ YES ☐ NO

MEMBER'S ROLE ON SITE

SWORN STATEMENT: ☒ YES ☐ NO ☐ REFUSED

START TIME 6:42 PM END TIME 7:25 PM

FOR OFFICIAL USE ONLY
CONFIDENTIAL

AFFIDAVIT

STATE OF NEW YORK)

)ss.

County of New York)

BIENVENIDO RIVERA, being duly sworn, depose and state:
(DEPONENT)

I, BIENVENIDO RIVERA, As A Member of The Carpenters Union Make The Following

Allegations Of Fact:

I AM ASKING Bernie to write this statement.

I WORKED for KW Construction in June 2003 AT
THE BRONX HIGH School OF LAW. I WAS THE SHOP
STEWARD sent off the list. JOHN Whyte,
the owner to keep men off the sheet
AND to work overtime for cash. I worked
SATURDAY, SUNDAY AND NIGHTS OFF THE
BOOKS AND he gave me \$50.00 A
MAN to keep off the sheet. There
WAS 4 MEN I kept off the sheet.
ALL 9 OF US WORKED the overtime.
I knew this WAS WRONG, but I did it
for the money.

One other time in 2005 the owner
OF Tim's HARDWOOD Floor GAVE me 2 checks

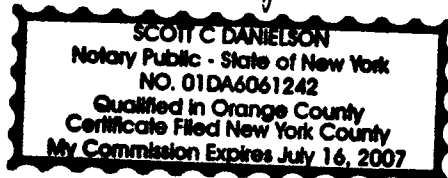
The foregoing factual allegations are based upon personal knowledge of the deponent. It is a crime, punishable as a class A misdemeanor under the law of the state of New York, for a person, in and by a written instrument, to knowingly make a false statement which such person does not believe to be true.

(SIGNATURE)

SUBSCRIBED AND SWORN TO (AFFIRMED) BEFORE ME

THIS 22 DAY OF MAY, 2007

(NOTARY PUBLIC)



Page 2 of 2NEW YORK DISTRICT COUNCIL
395 HUDSON STREET
NEW YORK, NY 10014**AFFIDAVIT**

STATE OF NEW YORK)

)ss.

County of New York)

BIENVENIDO RIVERA, being duly sworn, depose and state:

(DEPONENT)

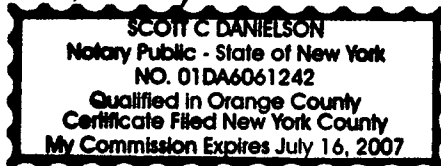
I, BIENVENIDO RIVERA, As A Member of The Carpenters Union Make The Following

Allegations Of Fact:

OF \$300.00 B.R. EACH TO KEEP 2
MEN OFF THE SHOP STEWARD REPORTED.
I READ THIS STATEMENT OUT LOUD AND
I UNDERSTAND IT.

The foregoing factual allegations are based upon personal knowledge of the deponent. It is a crime, punishable as a class a misdemeanor under the laws of the state of New York, for a person, in and by a written instrument, to knowingly make a false statement which such person does not believe to be true.

(SIGNATURE)



SUBSCRIBED AND SWORN TO (AFFIRMED) BEFORE ME

THIS 22 DAY OF MAY, 2007

(NOTARY PUBLIC)

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 Nicholas Hanlon
 Helen Wrobel
 David P. Ofenloch
 Joy Mele

Facsimile Cover Sheet

Date: February 14, 2008

Of Counsel
 Thomas J. Hughes, Jr.
 Anne M. Paxton
 Michael Carroll
 Craig R. Nussbaum

*Also admitted in NJ
 **Also admitted in CT

To: Scott Danielson, OWL Supervisor
 (212) 366-7363

CC:

From: Yajaira Rosario for Gary Silverman, Esq.

Re: KW Construction

pages, including cover: 5

Comments:

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